



Transportation Committee

**Tuesday, December 6, 2005
4:15 P.M. - 5:15 P.M.
404 HOB**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

Transportation Committee

Start Date and Time: Tuesday, December 06, 2005 04:15 pm

End Date and Time: Tuesday, December 06, 2005 05:15 pm

Location: 404 HOB

Duration: 1.00 hrs

Consideration of the following bill(s):

HB 267 Department of Highway Safety and Motor Vehicles by Bogdanoff

HB 273 Outdoor Advertising by Mayfield

HB 281 Specialty License Plates by Baxley

Workshop on the following:

Highway safety and motor vehicle related legislative issues

Transportation related legislative issues

NOTICE FINALIZED on 11/18/2005 15:52 by Rousseau.Tiffany

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 267
SPONSOR(S): Bogdanoff
TIED BILLS:

Department of Highway Safety and Motor Vehicles

IDEN./SIM. BILLS: SB 268

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee		Thompson J.T.	Miller P.M.
2) Transportation & Economic Development Appropriations Committee			
3) State Infrastructure Council			
4)			
5)			

SUMMARY ANALYSIS

HB 267 requires the Department of Highway Safety and Motor Vehicles (DHSMV) to study the outsourcing of driver's licensing services and present their recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2007. The study must provide the following:

- A detailed description of services to be outsourced and a description of the department's current performance of the service;
- A cost-benefit analysis including a detailed plan and implementation timeline;
- A statement of the potential effect on applicable revenues and expenditures;
- A public-records compliance plan; and
- A transition and implementation plan addressing personnel issues and performance standards.

This bill will have no fiscal impact on the department and will take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Present Situation

Chapter 322, Florida Statutes, provides for laws related to Drivers' Licenses. DHSMV's Division of Driver Licenses, Driver License Program administers driver license-related activities, which are intended to increase consumer protection and promote public safety by licensing only those drivers who demonstrate the necessary knowledge, skills, and abilities to operate motor vehicles on Florida's roads; controlling and improving problem drivers by suspending and revoking the licenses of drivers who abuse their driving privileges; monitoring drivers to ensure they carry the required insurance to be financially responsible for their actions; and maintaining driver history records. According to DHSMV, in 2004-05 there is an estimated 15,483,582 licensed Florida drivers and 7,000,000 applicants were processed in field offices. In 2005-06 there is an estimated 15,888,511 licensed Florida drivers and 7,780,552 applicants will be processed in field offices.

There are seven state bureaus responsible for activities that support the acquisition or suspension of driving privileges. The Driver License Program consists of the following Bureaus:

- The Bureau of Field Operations. There are three field operations bureaus (North Field Operations, Central Field Operations, and South Field Operations) that include 158 state and local county tax collector offices that issue driver licenses and identification cards. The tax collector offices function as licensing agents of the Department of Highway Safety and Motor Vehicles. Staff administer knowledge, skill, and visual examinations to determine driver qualification, process forms that show proof a person has obtained motor vehicle insurance, and provide a process for designating on the license application contribution to five charitable organizations (Election Campaign, Organ donor, Prevent Blindness Florida, and Florida Council on Blindness).
- The Bureau of Customer Service. The bureau assists customers in the interpretation of motor vehicle laws and requirements. It provides telephone access for all citizens, and it analyzes and resolves all inquiries regarding driving activities.
- The Bureau of Records. This bureau provides documentation of all driver license activities which include issuance, suspension, revocation, cancellation, reinstatement, renewal, replacement, and processing all traffic citations. It controls all information recorded on individual driver history records and ensures public access to these records.
- The Bureau of Financial Responsibility. The bureau suspends driving privileges for non-compliance with appropriate laws, verifies insurance coverage through review of documents submitted by drivers, reinstates suspended driving privileges upon compliance, and updates driving history records.
- The Bureau of Driver Improvement. This bureau is divided into two sections, the Driver Services Section and Medical Section. The bureau suspends, revokes, and cancels licenses for violation of motor vehicle laws, fraudulent activity, medical reasons, and inadequate vision.
- The Bureau of Administrative Review. This bureau has 33 field offices located throughout the state. Hearing officers schedule and conduct driver license administrative hearings involving hardship license reinstatements, records review, post-suspension formal and informal reviews, medical competency and financial responsibility reviews, and special driver examinations.
- The Bureau of Driver Education and DUI Programs. The bureau's activities cover licensing commercial drivers, motorcycle safety, driver improvement schools, approving instructor credentials, approving and evaluating curriculum, inspecting and approving DUI and motorcycle rider schools, and conducting research on improving current and developing future education methods.

DHSMV issues driver licenses through local driver license examination offices. Four different classes of driver licenses are issued:

- Class A, B, and C licenses are for drivers of commercial motor vehicles such as large trucks and buses. A commercial vehicle is defined as a motor vehicle weighing 26,001 pounds or more, designed to transport 16 or more persons, or carry hazardous materials.
- Class E licenses are for drivers of non-commercial vehicles and those who are exempt by law from obtaining a commercial driver license.

Currently, DHSMV authorizes 28 county tax collectors statewide to serve as agents for specified driver licensing. Additionally, DHSMV outsources commercial driver skills testing, contracting with approximately 450 third party testers to conduct commercial driver license (CDL) skills tests. The department also contracts with private organizations and with community and technical colleges to provide motorcycle safety courses and skills. The department contracts with schools to conduct driver education and testing for the Driver Education Licensing Assistance Program (DELAP); contracts with a private vendor to provide driver license equipment, software and human resources to produce centrally issued driver licenses and identification cards; and is conducting a pilot project by contracting with providers of on-line courses of traffic law and substance abuse education (TLSAE) to conduct Florida Class E (operator) driver license knowledge tests.

Proposed Changes

HB 267 requires the department to study the outsourcing of driver's licensing services and present recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2007. The study must provide information on the following:

- A detailed description of services to be outsourced;
- A cost benefit analysis of direct and indirect costs or savings with a detailed plan and timeline for implementation of actions to ensure the desired benefits are achieved;
- A statement of potential effect on federal, state and local revenues and expenditures and the possible direct or indirect impact on federal funding and cost allocations;
- A plan to ensure compliance with public-records law; and
- A plan for the transition and implementation which addresses the changes in the number of the department's personnel and related transition issues and business processes, including the department's plan to resume the operation of the service should the contractor fail to perform within performance standards and provisions of the contract and identifying the full-time equivalent positions and resources subject to outsourcing.

C. SECTION DIRECTORY:

Section 1. Directs the Department of Highway Safety and Motor Vehicles (DHSMV) to study outsourcing its driver licensing services; requires DHSMV to submit a report to the Governor, the President of the Senate and the Speaker of the House of Representatives by January 1, 2007; provides for requirements related to issues to be studied; and requires a cost-benefit analysis and a transition and implementation plan.

Section 2. Provides that the bill will take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a significant direct economic impact on the private sector.

D. FISCAL COMMENTS:

The Driver License Program is funded from driver license fees that the Driver License Program collects and from general revenue. In fiscal year 2005-06 the Driver License Program has a budget of \$83.6 million with 1,317 authorized positions. In fiscal year 2004-05 the Driver Licenses Program (Division of Driver Licenses) collected about \$186 million from driver license fees and from other driver license related revenues.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Federal Motor Carrier Safety Administration rules and regulations prohibit States from allowing third parties to administer CDL knowledge exams and, therefore, this area could not be contracted out by DHSMV.

According to DHSMV, certain types of privatized driver license testing, such as commercial vehicles skills tests which requires special equipment, may save enough public expense to justify the investment of rigorous oversight needed to offset the risk of fraud. However, DHSMV has detected several major cases and numerous lesser instances of fraud in the course of monitoring privatized driver license testing. In instances of fraudulent CDL activity, DHSMV has decertified contracts with third party testers and recalled the drivers to state facilities for retesting.

DHSMV stated that a three-year pilot project for outsourcing of the Class D and E driver license testing began in the spring of 2000. The project involved seven third party administrators (TPAs) throughout the State. The department's final evaluation of this project revealed tendencies toward less rigorous testing, with a need for strong oversight. Many issues were found involving record keeping and road test performance. The monitors experienced difficulty accessing customer files and viewing the performance of testers. A review showed that in all cases, the conviction, crash and insurance suspension rates were significantly higher for customers who went to a TPA than it was for those individuals who tested at a driver license office.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

HB 267

2006

1 A bill to be entitled
 2 An act relating to the Department of Highway Safety and
 3 Motor Vehicles; directing the department to study
 4 outsourcing its driver's license services; providing a
 5 definition; requiring that the department submit a report
 6 to the Governor and Legislature by a specified date;
 7 providing requirements for the department with respect to
 8 issues to be included in the study; requiring a cost-
 9 benefit analysis and a transition and implementation plan;
 10 providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. (1) The Department of Highway Safety and Motor
 15 Vehicles shall study the outsourcing of its driver's license
 16 services and shall make recommendations to the Governor, the
 17 President of the Senate, and the Speaker of the House of
 18 Representatives by January 1, 2007. As used in this section, the
 19 term "outsourcing" means the process of contracting with an
 20 external service provider or other governmental agency to
 21 provide a service, in whole or in part, while the department
 22 retains the responsibility and accountability for the service.

23 (2) As part of its study, the department shall provide a
 24 description of the services to be outsourced. Types of issues
 25 for the department to consider must include, but need not be
 26 limited to:

27 (a) A detailed description of the service to be outsourced
 28 and a description and analysis of the department's current

29 performance of the service.

30 (b) A cost-benefit analysis describing the estimated
31 specific direct and indirect costs or savings; performance
32 improvements, including reducing wait times at driver's license
33 offices; risks; and qualitative and quantitative benefits
34 involved in or resulting from outsourcing the service. The cost-
35 benefit analysis must include a detailed plan and timeline
36 identifying all actions that must be implemented to realize the
37 expected benefits.

38 (c) A statement of the potential effect on applicable
39 federal, state, and local revenues and expenditures. The
40 statement must specifically describe the effect on general
41 revenue, trust funds, general revenue service charges, and
42 interest on trust funds, together with the potential direct or
43 indirect effect on federal funding and cost allocations.

44 (d) A plan to ensure compliance with public-records law.

45 (e) A transition and implementation plan for addressing
46 changes in the number of department personnel, affected business
47 processes, and employee-transition issues. Such a plan must also
48 specify the mechanism for continuing the operation of the
49 service if the contractor fails to perform or comply with the
50 performance standards and provisions of the contract. Within
51 this plan, the department shall identify all resources,
52 including full-time equivalent positions, which are subject to
53 outsourcing.

54 Section 2. This act shall take effect upon becoming a law.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 267

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Transportation Committee
Representative(s) Bogdanoff offered the following:

Amendment (with directory and title amendments)

Between line(s) 53 and 54 insert:

Section 2. Subsection (2) of section 318.15, Florida
Statutes, is amended to read:

318.15 Failure to comply with civil penalty or to appear;
penalty.--

(2) After suspension of the driver's license and privilege
to drive of a person under subsection (1), the license and
privilege may not be reinstated until the person complies with
all obligations and penalties imposed on him or her under s.
318.18 and presents to a driver license office a certificate of
compliance issued by the court, together with a nonrefundable
service charge of up to \$47.50 imposed under s. 322.29, or
presents a certificate of compliance and pays the aforementioned
service charge of up to \$47.50 to the clerk of the court or a
driver licensing agent authorized in s. 322.135, F.S., tax
~~collector~~ clearing such suspension. Of the charge collected by

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

the clerk of the court or driver licensing agent ~~the tax~~
collector, \$10 shall be remitted to the Department of Revenue to
be deposited into the Highway Safety Operating Trust Fund. Such
person shall also be in compliance with requirements of chapter
322 prior to reinstatement.

Section 3. Subsection (1) of section 322.02, Florida
Statutes, is amended to read:

322.02 Legislative intent; administration.--

(1) The Legislature finds that over the past several years
the department and individual county tax collectors have entered
into contracts for the delivery of full and limited driver
license services where such contractual relationships best
served the public interest through state administration and
enforcement and local government implementation. It is the
intent of the Legislature that future interests and processes
for developing and expanding the department's relationship with
tax collectors and other county constitutional officers through
contractual relationships for the delivery of driver license
services be achieved through the provisions of this chapter,
thereby serving best the public interest considering
accountability, cost-effectiveness, efficiency, responsiveness,
and high-quality service to the drivers in Florida.

Section 4. Subsection (10) is added to section 322.135,
Florida Statutes, to read:

322.135 Driver's license agents.--

(10) The department is hereby authorized to contract with
any county constitutional officer to provide driver license
services in the same manner as provided in this section in a
county where the tax collector is not elected, or elects not to
provide driver license services.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

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===== T I T L E A M E N D M E N T =====

Between line(s) 9 and 10 insert:
amending s. 318.15, F.S.; providing for the collection of
certain service charges by authorized driver licensing agents;
amending s. 322.02, F.S.; revising legislative intent provisions
to include references to county constitutional officers
providing driver licensing services; amending s. 322.135, F.S.;
authorizing the department to contract with any county
constitutional officer for driver license services in counties
where the tax collector is not elected or does not provide the
services;

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 273
SPONSOR(S): Mayfield
TIED BILLS:

Outdoor Advertising

IDEN./SIM. BILLS: SB 566

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation Committee</u>		Pugh BTP	Miller P.M.
2) <u>Local Government Council</u>			
3) <u>State Infrastructure Council</u>			
4) _____			
5) _____			

SUMMARY ANALYSIS

Chapter 479, F.S., regulates billboards and other forms of outdoor advertising signs. Advertising companies and other owners of outdoor signs must be licensed by the Florida Department of Transportation (FDOT) and obtain permits that regulate height, size and other characteristics of the billboards. County and municipal governments are not precluded from enacting local ordinances regulating outdoor advertising, but these regulations must be in harmony with state and federal requirements.

HB 273 would make significant changes to two sections of law in chapter 479, F.S. The bill would:

- o Allow FDOT and sign owners to enter into agreements identifying the specific location of a billboard's "view zone," meaning an unobstructed view by passing motorists, and specify in statute the standard dimensions of a view zone.
- o Prohibit trees and other vegetation that are part of a beautification project from being planted in a billboard's view zone.
- o Require any governmental entity violating the view zone provisions to pay the sign owner a penalty equal to the lesser of either lost revenue because the sign was blocked or the sign's fair market value.
- o Allow the owner of a lawfully erected billboard that conforms to state and federal requirements for land-use, size, height, and spacing to elevate the billboard at its permitted location if a sound wall blocks or screens the signage.
- o Delete references to the Federal Highway Administration's approval before raising the height of a non-conforming billboard along a federal-aid primary highway.
- o Specify that a billboard reconstructed so it can be raised above a sound wall must comply with the Florida Building Code standards and wind-load requirements.
- o Require local governments and local jurisdictions to issue permits, if necessary, to reconstruct a sign pursuant to these proposed changes in law. Local governments and local jurisdictions that refuse to issue such permits shall pay just compensation to the sign's owner.

HB 273 raises no apparent constitutional issues. The bill has no immediate financial impact on the state or on local governments, and will not fiscally impact these governmental entities unless they refuse to allow the specified view zones and increases in sign height, and are required to pay penalties or compensation to the sign owners.

HB 273 would take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

HB 273 does not appear to implicate any House Principles.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Florida has an estimated 20,900 permitted outdoor advertising signs on 13,700 billboard structures. About 5,900 are considered by FDOT as lawful, non-conforming signs, meaning they were in compliance with federal, state, and, if applicable, local regulations when they were erected, but are not in compliance with current regulations.

Chapter 479, F.S., governs billboards and other forms of outdoor advertising. Advertising companies and other owners of outdoor signs must be licensed by FDOT and obtain permits, regulating height, size and other characteristics of the billboards. The majority of the provisions specify DOT's duties and authority as they relate to permitting, removing, and otherwise regulating billboards along the interstate highway system and the federal-aid primary highway system, which includes state roads. The chapter also addresses ways to accommodate billboard owners whose signs' "view zones" are affected by highway beautification projects, such as planting of vegetation, and highway widening or other improvements.

Because federal dollars are used to build and maintain these federal and state roads in Florida, FDOT must adhere to federal laws and regulations concerning billboards. The Highway Beautification Act of 1965 (chapter 23 U.S. Code section 131), chapter 23 Code of Federal Regulations section 750, and Federal Highway Administration (FHWA) Policy Guidance relate to the regulation of billboards. Under federal law, regulation, and policy guidance:

- o To be able to remain, nonconforming signs must remain substantially the same as they were on the effective date of the state law or regulations that made them nonconforming.
- o Reasonable repair and maintenance of the sign, including a change of advertising message, is allowable.
- o Nonconforming signs may continue as long as they are not destroyed, abandoned, or discontinued. States may pass laws for exceptions to be made for nonconforming signs destroyed due to vandalism and other criminal or tortious acts.
- o Each state must develop its own criteria to determine when customary maintenance ceases and a substantial change has occurred which would terminate nonconforming rights. When nonconforming rights are terminated under state law, the sign must be removed as an illegal sign without compensation.
- o However, lawfully erected signs, even if they are now nonconforming, cannot be removed by a state without payment of just compensation.

Under state law, local governments also may not remove, or order to be removed, lawfully erected signs along the interstate or federal-aid highways without paying the signs' owners just compensation.

A March 2005 memorandum from the FHWA addressed a relatively new issue relating to nonconforming signs – conflicts between sign owners and state transportation agencies over noise attenuation barriers (or "sound walls") along highways that are blocking billboards. The memorandum

concluded that allowing owners of non-conforming billboards to increase the signs' height in such circumstances is inconsistent with federal law and regulations.¹

Current state law clarifies that nothing in chapter 479, F.S., prevents FDOT or other governmental entities from entering into an agreement with a sign owner increasing the height of a lawfully erected sign at its permitted location if a noise-attenuation barrier, visibility screen, or other highway improvement is erected in such a way as to screen or block the sign's visibility. Under such agreements, the affected sign's height can be increased only as much as is necessary to achieve the same degree of visibility from the road as it had previously. If the affected sign is non-conforming and it is located along a federal aid primary highway system (which includes most of Florida's major highways), the FHWA must approve the agreement.

Effect of Proposed Changes

HB 273 amends two sections of chapter 479, F.S., related to visibility and height of lawfully permitted billboards.

Specifically, the bill amends s. 479.106, F.S., to:

- o Codify FDOT rules on the "view zone" dimensions of lawfully permitted billboards. It establishes in statute how a view zone is to be measured: the first 500 linear feet within the first 1,000 feet as measured along the edge of the pavement in the direction of approaching traffic from a point on the edge of the pavement perpendicular to the sign's edge facing the highway. The dimensions are in FDOT's outdoor advertising rule, chapter 14-40.030, Florida Administrative Code.
- o Specify that a billboard's view zone shall be a continuous 500 feet unless interrupted by naturally occurring vegetation.
- o Allow FDOT and sign owners to enter into agreements identifying the "specific location" of a billboard's view zone, and if no agreement is reached, then the view zone is the first continuous 500 linear feet from the sign.
- o Prohibit trees and other vegetation that are part of a "beautification project" from being planted in a legally erected and permitted billboard's view zone.
- o Require any governmental entity violating the view zone provisions to pay the sign owner a penalty equal to the lesser of lost revenue because the sign was blocked or the sign's fair market value.

The bill also amends s. 479.25, F.S., to:

- o Allow the owner of a lawfully erected billboard conforming to state and federal requirements for land-use, size, height, and spacing, to increase the billboard's height at its permitted location if a noise wall blocks or screens the signage. Existing references to visibility screen or other highway improvement are deleted.
- o Clarify that in such circumstances, the billboard may be elevated as high as is necessary – even if that means exceeding the state limits of 50 feet high outside an incorporated area and 65 feet high within an incorporated area – so that its visibility is the same as it was before the noise wall was built.
- o Delete references to FHWA approval before raising the height of a non-conforming billboard

¹ U.S. DOT /FHWA memorandum from Susan Lauffer, director of Office of Real Estate Services to Division Administrators and Directors of Field Services, dated March 8, 2005.

along a federal aid primary highway. This would make Florida law consistent with current federal guidance that non-conforming billboards along federal-aid highways can not be raised.

- o Specify that a billboard reconstructed under this section of law must comply with the Florida Building Code standards and wind load requirements.
- o Require local governments and local jurisdictions to issue permits, if necessary, to reconstruct a sign pursuant to this section of law. Local governments and local jurisdictions that refuse to issue such permits shall pay just compensation to the sign's owner.

HB 273 takes effect upon becoming law.

C. SECTION DIRECTORY:

Section 1: Amends s. 479.106, F.S., to codify view zone dimensions and method for determining the view zone. Specifies penalties.

Section 2: Amends s. 479.25, F.S., to clarify under what circumstances lawfully erected, conforming billboards may be raised. Deletes obsolete language. Provides for payment of just compensation for refusal to issue permits.

Section 3: Specifies this act shall take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

No direct or immediate impact. But see "D. FISCAL COMMENTS" below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

No direct or immediate impact. But see "D. FISCAL COMMENTS" below.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

No direct or immediate impact. But see "D. FISCAL COMMENTS" below.

D. FISCAL COMMENTS:

In the event FDOT or a local governmental entity violates the proposed view zone provisions in s. 479,106, F.S., it would have to pay the sign owner a penalty equal to the lesser of the lost revenue from the screened or blocked billboard or the fair market value of the sign.

Additionally, a local governmental entity that refused to permit reconstruction of a conforming billboard to raise its height above a noise wall would have to pay the sign owner just compensation. A

governmental entity violating these two provisions also may have to pay legal costs and expenses if the issue is litigated.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

HB 273 does not: require counties or municipalities to spend funds or to take an action requiring the expenditure of funds; reduce the percentage of a state tax shared with counties or municipalities; or reduce the authority that municipalities have to raise revenues.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

HB 273

2006

1 A bill to be entitled
2 An act relating to outdoor advertising; amending s.
3 479.106, F.S.; revising provisions relating to the
4 proximity of vegetation and beautification projects to
5 outdoor advertising signs; specifying distances that
6 constitute a view zone on the State Highway System and
7 expressways for outdoor advertising signs; authorizing the
8 Department of Transportation and owners of outdoor
9 advertising signs to enter into agreements identifying
10 view zone locations; requiring governmental entities and
11 other violators to pay for lost revenues or sign market
12 values for violation of view zone requirements; amending
13 s. 479.25, F.S.; allowing permitted, conforming, lawfully
14 erected outdoor advertising signs to be increased in
15 height if visibility is blocked due to construction of
16 specified noise-attenuation barriers; requiring sign
17 reconstruction to meet the requirements of the Florida
18 Building Code; requiring the issuance of local permits for
19 the reconstruction of signs, notwithstanding local
20 ordinances or land development regulations to the
21 contrary; requiring local governments or local
22 jurisdictions to pay just compensation for refusal to
23 issue a reconstruction permit; providing an effective
24 date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsection (6) of section 479.106, Florida
29 Statutes, is amended to read:

HB 273

2006

30 479.106 Vegetation management.--

31 (6) Beautification projects, trees, or other vegetation
32 shall not be planted or located in the view zone of an area which
33 will screen from view legally erected and permitted outdoor
34 advertising signs which have been permitted prior to the date of
35 the beautification project or other planting, where such planting
36 will, at the time of planting or after future growth, screen such
37 sign from view. For the State Highway System and expressways, the
38 view zone shall consist of 500 linear feet within the first 1,000
39 feet as measured along the edge of the pavement in the direction
40 of approaching traffic from a point on the edge of the pavement
41 perpendicular to the edge of the sign facing nearest the highway.
42 For the State Highway System and expressways, the view zone shall
43 be a continuous 500 linear feet unless interrupted by existing,
44 naturally occurring vegetation. The department and the sign owner
45 may enter into an agreement identifying the specific location of
46 the view zone for each sign facing. In the absence of such
47 agreement, the view zone shall be defined as the first continuous
48 500 linear feet from the sign. Any governmental entity or other
49 party violating this subsection shall pay to the sign owner a
50 penalty equal to the lesser of the revenue from the sign lost
51 during the time of the screening or the fair market value of the
52 sign.

53 Section 2. Section 479.25, Florida Statutes, is amended to
54 read:

55 479.25 Application of chapter.--The owner of a lawfully
56 erected sign that is governed by and conforms to state and
57 federal requirements for land use, size, height, and spacing may
58 increase the height above ground level of such sign ~~This chapter~~

59 ~~does not prevent a governmental entity from entering into an~~
60 ~~agreement allowing the height above ground level of a lawfully~~
61 ~~erected sign to be increased at its permitted location if a~~
62 ~~noise-attenuation barrier, visibility screen, or other highway~~
63 ~~improvement is~~ permitted by or erected by any governmental entity
64 ~~in such a way as to screen or block visibility of the sign.~~
65 ~~However, if a nonconforming sign is located on the federal aid~~
66 ~~primary highway system, as such system existed on June 1, 1991,~~
67 ~~or on any highway that was not a part of such system as of that~~
68 ~~date but that is or becomes after June 1, 1991, a part of the~~
69 ~~National Highway System, the agreement must be approved by the~~
70 ~~Federal Highway Administration.~~ Any increase in height permitted
71 under this section may only be the increase in height which is
72 required to achieve the same degree of visibility from the right-
73 of-way which the sign had prior to the construction of the noise-
74 attenuation barrier, notwithstanding the restrictions contained
75 in s. 479.07(9)(b). A sign reconstructed under this section shall
76 comply with the building standards and wind load requirements set
77 forth in the Florida Building Code. A local government or local
78 jurisdiction must issue the permits required for the
79 reconstruction of a sign under this section, notwithstanding any
80 provision to the contrary contained in the ordinances or land
81 development regulations of the local government or local
82 jurisdiction. If the local government or local jurisdiction
83 refuses to issue the required permits for reconstruction of a
84 sign under this section, the sign may not be reconstructed and
85 the local government or local jurisdiction must pay just
86 compensation to the owner of the sign ~~visibility screen, or other~~
87 ~~highway improvement.~~

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88 Section 3. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 281 Specialty License Plates
SPONSOR(S): Baxley and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 548

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee		Thompson <u>J.T.</u>	Miller <u>P.M.</u>
2) Transportation & Economic Development Appropriations Committee			
3) State Infrastructure Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

HB 281 creates the "A State of Vision" license plate, and establishes an annual use fee of \$25 to be paid by purchasers in addition to license taxes and fees. The annual use fee will be distributed to The Florida Association of Agencies Serving the Blind, Inc., to fund its activities, programs, and projects within the state through its local nonprofit organizations' direct-support services to blind and visually impaired people.

The bill will have a negative fiscal impact of \$59,460 on the department.

The bill will take effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government - The bill appears to increase government in that it requires DHSMV to develop and provide for the manufacture of a new license plate, and therefore requires county tax collectors offices to maintain an appropriate inventory and administer the new plate.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Currently, specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees, are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute. The Legislature may create a specialty license plate under its own initiative or it can do so at the request of an organization. Under s. 320.08053, F.S., an organization may seek Legislative authorization for a new specialty license plate by meeting a number of requirements.

An organization is first required to submit to the Department of Highway Safety and Motor Vehicles (DHSMV):

- A request for the plate describing it in general terms;
- The results of a professional, independent, and scientific sample survey of Florida residents indicating that 15,000 vehicle owners intend to purchase the plate at the increased cost;
- An application fee of up to \$60,000 defraying DHSMV's cost for reviewing the application, developing the new plate, and providing for the manufacture and distribution of the first run of plates; and
- A marketing strategy for the plate and a financial analysis of anticipated revenues and planned expenditures.

These requirements must be satisfied at least 90 days prior to the convening of the regular session of the Legislature. Once the requirements are met, DHSMV notifies the committees of the House of Representatives and Senate with jurisdiction over the issue, and the organization is free to find sponsors and pursue Legislative action.

If a proposed specialty plate fails to be enacted by the Legislature, DHSMV returns the application fee and other required documents to the organization. If it passes and becomes law, DHSMV notifies the organization, modifies its computer programming to accommodate the new plate, and requests the laminate manufacturer, 3M Company, to produce a prototype roll-coat. PRIDE, the contracted manufacturer of license plates, embosses and roll-coats sample plates that must be submitted to FHP, the Governor, and the Cabinet for approval. Once approval is given, PRIDE begins full production of the plates and distributes them to the Tax Collectors' Offices for sale to the public.

Discontinuance of an approved specialty license plate occurs only when the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is to be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. According to DHSMV there are currently twenty-two plates that are not meeting the minimum sales requirement and could be discontinued in 2006 if their sales do not increase. If none of these plates meet the minimum sales requirement by next summer, the number of plates offered for sale could be reduced to seventy-eight.

Specialty license plates are distinguished from other types of specialized license plates by the fact that anyone may obtain one by simply paying an additional annual use fee, and by the fact that annual use fees are dedicated to supporting a particular cause or organization. The Legislature has also created a number of specialized license plates that are not specialty plates. These plates differ because the purchaser must be eligible by his or her status to obtain the plate, and because ownership of these plates does not require payment of an annual use fee that is distributed for charitable purposes. These types of "status plates" are referred to in the statutes as special plates, and include: the Governor and Legislator plates; the amateur radio operators plate; the disabled veterans plate; the street rods plate; the National Guard, Pearl Harbor Survivor, Combat-wounded veteran and U.S. Reserve plates; and the Medal of Honor plate.

The statutes provide for all specialty plates within ss. 320.08056 and 320.08058, F.S., and provide for a uniform procedure for approval and authorization in s. 320.08053, F.S. By comparison, other specialized plates (the status or special plates) are created on an ad hoc basis by the Legislature, and the statutes provide for them independently of one another in separate sections. It is unnecessary for a proponent of a special plate to obtain prior approval before seeking Legislative action.

The Legislature has enacted 106 specialty license plates to date, though only 100 are currently available for purchase. Annual use fees for sales of specialty license plates for 2003-2004 totaled \$26,168,581 and for fiscal year 2004-2005 the total was \$29,049,472.90. Since the program's inception in 1986, the DHSMV has collected annual use fees totaling more than \$280 million.

Effect of Proposed Changes

HB 281 directs DHSMV to develop the "A State of Vision" license plate. A qualified motor vehicle owner may obtain the "A State of Vision" license plate upon payment of a \$25 annual use fee in addition to the appropriate license taxes and service fees.

The Florida Association of Agencies Serving the Blind, Inc., will retain all revenue from the annual use fee to offset costs of developing and establishing the plates. Thereafter, up to 5 percent of the annual use fee proceeds must be distributed to The Florida Association of Agencies Serving the Blind, Inc., for administrative costs and up to 20 percent is to be used for promotion and marketing of the specialty license plate. All remaining annual use fee revenue shall be used by Florida Association of Agencies Serving the Blind, Inc., to fund its activities, programs, and projects within the state through its local nonprofit organizations' direct-support services to blind and visually impaired people.

The Florida Association of Agencies Serving the Blind, Inc., has not met the requirements set fourth in s. 320.08058, F.S. with regard to the "A State of Vision" specialty license plate. The bill creates the new license plate notwithstanding these requirements.

C. SECTION DIRECTORY:

Section 1. Amends s. 320.08056, F.S., providing for a \$25 annual use fee for the "A State of Vision" license plate.

Section 2. Amends s. 320.08058, F.S., providing for the "A State of Vision" license plate; providing for its design; providing for annual use fees and other fees; and providing for distribution of annual use fees.

Section 3. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS section below.

2. Expenditures:

See FISCAL COMMENTS section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons who elect to purchase the plate, will be required to pay an annual use fee of \$25 in addition to applicable license taxes and administrative charges. The fee will be distributed to the Florida Association of Agencies Serving the Blind, Inc. Since it is impossible to determine how many persons will purchase the plate, it is impossible to determine the aggregate impact on the private sector. The bill provides for the startup costs for The Florida Association of Agencies Serving the Blind, Inc., to be recovered from the initial plate sale proceeds. Proceeds from the sale of this license plate will fund the association's administrative costs, license plate marketing costs, and direct-support services to blind and visually impaired people in the private sector.

D. FISCAL COMMENTS:

Implementation of HB 281 will cost DHSMV approximately \$59,460 in contract programming, development labor, and product purchasing costs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No additional rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

DHSMV suggests changing the effective date of the bill to October 1, 2006.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

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1 A bill to be entitled
2 An act relating to specialty license plates; amending ss.
3 320.08056 and 320.08058, F.S.; creating the A State of
4 Vision license plate and establishing its annual use fee;
5 providing for the distribution of annual use fees received
6 from the sale of such plates; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Paragraph (eee) is added to subsection (4) of
11 section 320.08056, Florida Statutes, to read:

12 320.08056 Specialty license plates.--

13 (4) The following license plate annual use fees shall be
14 collected for the appropriate specialty license plates:

15 (eee) A State of Vision license plate, \$25.

16 Section 2. Subsection (57) is added to section 320.08058,
17 Florida Statutes, to read:

18 320.08058 Specialty license plates.--

19 (57) A STATE OF VISION LICENSE PLATES.--

20 (a) Notwithstanding the provisions of s. 320.08053, the
21 department shall develop an A State of Vision license plate as
22 provided in this section. A State of Vision license plates must
23 bear the colors and design approved by the department. The word
24 "Florida" must appear at the top of the plate, and the words "A
25 State of Vision" must appear at the bottom of the plate.

26 (b) The license plate annual use fees shall be distributed
27 quarterly to the Florida Association of Agencies Serving the

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28 Blind, Inc., to fund direct-support services to blind and
29 visually impaired people.

30 (c) The Florida Association of Agencies Serving the Blind,
31 Inc., shall retain all revenue from the annual use fees until
32 all startup costs for developing and establishing the plates
33 have been recovered. Thereafter, up to 5 percent of the annual
34 use fee revenue shall be used for administrative costs and up to
35 20 percent shall be used for promotion and marketing of the
36 specialty license plate. All remaining annual use fee revenue
37 shall be used by Florida Association of Agencies Serving the
38 Blind, Inc., to fund its activities, programs, and projects
39 within the state through its local nonprofit organizations'
40 direct-support services to blind and visually impaired people.

41 Section 3. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No.281

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Transportation Committee
2 Representative Baxley offered the following:

Amendment

5 Remove line 20 and insert:

6 (a) The
7

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***Department of Highway Safety
and Motor Vehicles***

2006 Legislative Proposals

Issues	Current Situation	Proposed Change	Justification
Settlement of taxes and Penalties or Interest	<p>Section 207.021, F.S., only allows the department to settle or compromise penalties or interest imposed under Chapter 207, F.S., and the section requires the department to use Section 213.21, F.S., which relates to the Department of Revenue in settling or compromising such penalties or interest. Also, there is no authority in Chapter 207, F.S., for the department to conduct informal conferences for the resolution of disputes arising from the assessment of taxes, penalties, or interest.</p>	<p>This change would delete the reference to Section 213.21, F.S. It would provide the department with the authority to adopt rules for conducting informal conferences in order to resolve taxpayer disputes arising from audit assessments. This change would include taxes in addition to penalties and interest as to what can be settled or compromised by the department. In addition, this change would authorize the executive director of the department or his or her designee to enter into closing agreements with any taxpayer to settle or compromise taxpayer liabilities for any taxes, penalties, or interest imposed under Chapter 207, F.S., and would prohibit the department from imposing an additional assessment upon a taxpayer after a closing agreement has been entered into.</p>	<p>This change would give the department the necessary authority in the correct chapter of law to carry out its duties.</p>
REAL ID Act	<p>Current law does not have all specifications mentioned in the REAL ID Act.</p>	<p>Definitional changes and changes in terms of licenses.</p>	<p>Florida law would better mirror the newly enact federal legislation.</p>

Issues	Current Situation	Proposed Change	Justification
Driving with an Unlawful Blood/Breath Alcohol Level (DUBAL)	When an individual is arrested for a violation of s. 316.193, Florida Statutes, and has an unlawful blood or breath level of .08 or higher or refuses to submit to a breath, blood, or urine test when requested by a law enforcement officer, the individual's driving privilege is suspended at the time of arrest.	This change would remove the requirement for an arrest for a violation of s. 316.193, Florida Statutes, clarify what individuals can be subpoenaed to a Formal Review of the suspension, and provide clarification as to blood alcohol and breath alcohol levels.	These changes will provide clarifications to the statute. This will also provide consistency between ss. 322.2615 and 322.2616, Florida Statutes. These changes will also address issues raised by courts in cases involving the department's implementation of this section.
Motorcycle Riders	Currently, Florida law only requires those riders under 21 who seek to obtain a motorcycle endorsement on their license to attend a motorcycle safety education course. Further, drivers under 21 are required to wear helmets while riding their motorcycle.	This proposal would require all applicants for a motorcycle endorsement to attend the motorcycle safety education course. In addition, no original motorcycle license plates could be issued without proof that the registrant has the proper endorsement, as well as require registrants under 21 to obtain a license plate that is unique in color and design.	Due to the rise in popularity of motorcycles, the increase in traffic on Florida's roadways, and other mitigating factors fatalities among motorcyclist have risen in Florida. Statistics show that within the last two years, fatalities among those riders completing the Florida Rider Training Course are dramatically lower.
Identification Cards	Florida law only allows children 12 and over to obtain a State of Florida identification card.	This change would allow children five and over to apply for an identification card.	Parents of young children have been encouraged by law enforcement officials to maintain current photographs and identification documents for their children as a precautionary measure.

Issues	Current Situation	Proposed Change	Justification
Address Change	Under current law, drivers wishing to change the address on their license must pay \$10 to obtain a replacement license with the new address.	This proposal would eliminate the address change fee.	According to the U.S. Census Bureau, 14% of Americans move annually. Our own statistics show that of all driver license customers eligible to utilize a convenience service for their renewal who chose to come to the office, a full 40% requested an address change in conjunction with their renewal. It would appear that customers are not receiving their renewal notice because the address on record is incorrect.

2006 PROPOSED TRANSPORTATION LEGISLATION

11/29/05

These proposals have been submitted by FDOT, the MPO Advisory Council, and TEAM-Florida, representing the expressway authorities.

Current Law		Proposed Changes	Justification
FDOT			
Turnpike bond cap	<p>Section 338.2275(1), F.S., caps the Florida Turnpike Enterprise's total bond issuance at \$4.5 billion.</p> <p>FDOT says that because of this cap, the Turnpike's ability to raise funds for projects is exhausted after the year 2010.</p>	<p>The draft legislation would:</p> <ul style="list-style-type: none"> -- Raise the bond cap from \$4.5 billion to \$6 billion. -- Change the limitation from a maximum amount "issued" to a maximum amount "outstanding." This creates what could be described as a line of credit for the Turnpike Enterprise, because paying off existing debt gives it the ability to issue new bonds, with the approval of the State Board of Administration. 	<p>These changes in the law are expected to generate enough money to fund \$906 million in various Turnpike projects and to add about 101 lane miles to the Florida Turnpike System.</p>
MPOAC			
Administrative issues	<p>Section 339.175, F.S., creates M.P.O.'s within Florida for the broad purposes of transportation planning, but does not address the internal administrative workings of the entities and their staffs.</p> <p>This has led to lack of administrative uniformity statewide among M.P.O.'s.</p>	<p>The draft legislation would amend ch. 112, F.S., to:</p> <ul style="list-style-type: none"> -- Clarify that M.P.O.'s are separate legal entities independent from the local governing body; -- Allow M.P.O. staff to participate in the Florida Retirement System; and -- Allow M.P.O.'s to establish per diem and travel reimbursement rates. <p>It also would amend s. 339.175(5), F.S., to clarify that:</p> <ul style="list-style-type: none"> -- an M.P.O.'s executive director reports directly to his/her M.P.O. Governing Board; -- the executive director and staff are employed by the MPO, or through a staff services agreement between the MPO and another governmental entity; and -- the executive director position is SMS. 	<p>These changes are intended to bring uniformity to M.P.O. administration and officially recognize M.P.O. staff as public employees eligible for certain retirement benefits.</p> <p>In addition, the legislation makes it clear that M.P.O. staff work for the M.P.O., and not for any of the member cities or counties.</p>

Issue	Current Law	Proposed Changes	Justification
Memberships issues	<p>M.P.O.'s have raised a number of technical membership issues that need clarity in state law. For example, M.P.O. officers and their duties are not specified; general-purpose, local government voting members are not fully defined; the methodology used to appoint alternate voting members is not clearly provided; and FDOT staff are "non-voting members" when their role is more as advisors. There also is a concern of the lack of non-highway representation on the boards.</p>	<p>The draft bill would amend s. 339.175(1) and (2), F.S., to:</p> <ul style="list-style-type: none"> -- Direct each M.P.O. to select a chair, vice chair, and clerk; -- Specify the officers' responsibilities; -- Clarify that voting members shall exclude constitutional or charter officers; -- Establish a process by which alternate members are selected; -- Reclassify the FDOT representatives as non-voting advisors; and -- Directs M.P.O.'s to appoint nonvoting representatives of various multi-modal organizations, who are not otherwise represented by voting members. 	<p>These changes help eliminate current confusion in statutory construction and lack of uniformity in how M.P.O.'s statewide operate.</p> <p>They also could broaden multi-modal representation from entities other than airport and seaport boards.</p>
Powers and duties of M.P.O.'s	<p>Current law does not address training opportunities for local elected officials who serve on M.P.O.'s. Nor does current law give M.P.O.'s powers common to many other types of independent boards with budgets.</p>	<p>The draft bill would amend s. 339.175(5), F.S., to:</p> <ul style="list-style-type: none"> • Require each M.P.O. to provide training on the urbanized transportation planning process to all who serve as members. • Give M.P.O.'s the power to: <ul style="list-style-type: none"> -- Sell, donate, dedicate, or convey property to other entities; -- Appropriate funds; -- Receive grants-in-aid; -- Enjoy sovereign immunity; -- Incur debt; -- Hire staff, including legal counsel; -- Acquire buildings; and -- Have all powers provided for under federal law. 	<p>These additional powers or privileges would significantly expand the current statutory authority of M.P.O.'s beyond their current transportation planning function.</p> <p>One reason the MPOAC is supporting this expansion of authority is to diminish the M.P.O.'s dependence on local governmental entities, and thus encourage broader, more regional planning.</p>

Issue	Current Law	Proposed Changes	Justification
Reporting requirements	The manner in which contiguous M.P.O.'s should report on their regional planning actions and accomplishments is not specified in current law.	The draft bill would amend s. 339.175(5), F.S., to specify that contiguous M.P.O.'s must develop a report on regional planning actions and accomplishments. This report must be transmitted to each M.P.O.'s local legislative delegation by February of each even-numbered year.	This is intended to document regional planning accomplishments, and improve communication between M.P.O.'s and their local legislative delegations.
Voting requirements	Current law requires roll-call votes of all members present in order to adopt or update certain plans.	The draft bill would amend s. 339.175(12), F.S., to provide for a supermajority roll call vote, or hand count vote of a majority-plus-one, of the membership present to adopt transportation plan amendments affecting projects in the first 3 years of such plans.	This change is related to the provision in s. 339.135(4)(b)3., F.S., that the first 3 years of FDOT's adopted work is the state's commitment to undertake transportation projects that local governments may rely on for planning and concurrency purposes.
EXPRESSWAY AUTHORITIES	Section 316.1001, F.S., specifies that persons who use a toll facility without paying a toll (unless otherwise exempted) is guilty of a noncriminal traffic infraction, punishable as a moving violation. If the citation is not paid in a timely fashion, then the matter is forwarded to the courts. Violators are subject to points being assessed on their driver's licenses.	The draft legislation would amend ss. 316.650(3) & 318.14(12), F.S., to clarify that violators must pay the amount of the unpaid toll and a minimum \$25 fine to the appropriate expressway authority within a specified time in order to avoid a court hearing and points assessed against their licenses. The draft bill also would amend s. 318.18(7), F.S., to specify that if the violator is found guilty by a judge, then he/she must pay a \$50 fine plus the amount of the unpaid toll, to the court which will forward these funds to the appropriate expressway authority.	These changes set in statute the fines for failing to pay tolls on expressway authority facilities, and raised costs for motorists who unsuccessfully challenge expressway citations.

Issue	Current Law	Proposed Changes	Justification
Expanded uses for transponders	<p>Section 338.161, F.S., allows FDOT/the Turnpike to spend funds for marketing its Sun Pass transponders, and to receive funds from advertising placed on its transponders and promotional materials to defray costs.</p> <p>State law does not give similar authority to the expressway authorities.</p> <p>Nor does current law address potential uses of transponders other than for toll collection – although the Turnpike and the OCEA allow their customers to pay for parking at the Orlando International Airport from their transponder accounts.</p>	<p>The draft legislation would amend s. 338.161, F.S., to extend to expressway authorities the ability to market and accept advertising on their transponders.</p> <p>It also would specifically allow expressway authorities and FDOT/Turnpike to enter into agreements with private or public entities to expand the uses of SunPass, E-Pass and other electronic toll-collection devices.</p>	<p>The Turnpike and expressway authorities are requesting express statutory permission to expand the use of transponder accounts.</p> <p>The Turnpike and several expressway authorities may pursue partnerships with drive-through restaurants, service stations, parking lot operations, and other retail establishments that would allow food, gasoline, and other purchases to be paid from transponder debit accounts.</p>
Obscuring license plates	<p>State law prohibits altering or mutilating license plates so that they cannot be read easily by law enforcement.</p> <p>Expressway authorities are noticing more cases of illegible license plates on vehicles using tolled facilities without paying the tolls, and suspect increased use of spray-on film and other products to obscure the plate numbers.</p>	<p>The draft bill would amend s. 320.061, F.S., to also make it illegal to obscure license plates with any substance or coating that restricts their visibility or prevents a legible electronic image recording from being made.</p> <p>Under the bill, the registration of plates so obscured would be revoked.</p> <p>Also, the Florida Attorney General may file suit against any individual or entity selling or marketing products advertised as being able to obscure license plates. Such lawsuits may seek injunctive and monetary relief, punitive damages, attorney's fees, and records of all sales of the product to Floridians.</p>	<p>Supporters expect this provision will ensure better enforcement of toll-payment violations.</p>

Issue	Current Law	Proposed Changes	Justification
Placement of license plates	<p>Pursuant to s. 316.605(1), F.S., license plates must be attached to vehicles so that they are plainly visible and legible at all times 100 feet from the rear or front, and must be securely attached.</p> <p>Expressway authorities are noticing more cases of license plates being hung too high or too low, or otherwise oddly positioned, for the cameras at toll facilities to snap legible photographs of plates on vehicles whose drivers aren't paying tolls.</p>	<p>The draft bill would amend s. 316.605(1), F.S., to specify that:</p> <ul style="list-style-type: none"> -- License plates be secured to the main body of a vehicle no higher than 60 inches and no lower than 12 inches from the ground, and -- License plates be affixed to a vehicle so that its letters and numerals shall be read from left to right, parallel to the ground. <p>This means that license plates can't be attached upside down, vertically, or in reverse position.</p>	<p>Supporters expect this provision will ensure better enforcement of toll-payment violations.</p>